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PTO/SB/21 (08-00)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09 / 909, 014	
	Filing Date	7 / 20 / 2001	
	First Named Inventor	E. S. KEMENY	
	Group Art Unit	1761	
	Examiner Name	STEVEN L. WEINSTEIN	
Total Number of Pages in This Submission	3	Attorney Docket Number	-

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <p>PLEASE NOTE: PETITION APPROVED FOR THIS CASE TO ADVANCE PROSECUTION ON AGE</p>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	EMANUEL S. KEMENY Emanuel S. Kemeny
Signature	
Date	5-6-02

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Species I, wherein the segment dividers are frangible scored line markers; and

Species A, wherein the frangible lengthwise divider is a deeply scored line.

As a result, the following claims remain for prosecution: Claims 1, 2, 3, 6, and 8 thru 15.

B. The Restriction is hereby Traversed, for the following reasons:

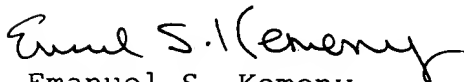
1. All the species claims under Claims 1 and 2 depend from Claim 1, and thereby include the essential elements of the "generic" invention, ie: "A meal-equivalent food bar comprising segment dividers which divide the bar into segments corresponding to plural courses of a meal..." -- thereby providing a "generic" claim per 37 CFR 1.141.

2. Although it can be argued that claim 1 is the broadest claim, and claim 2 is the generic claim, it is a moot point because all the species claims depend from claim 1; and further, since the restricted species claims will be searched by the examiner, hopefully this will allow search and examination of all the species claims without serious burden on the examiner (please see MPEP 803, second paragraph).

C. On New Matter

1. The Examiner states (page 3): "The amended calorie ratio "55-15-30" appears new matter, originally the ratio 50-15-30."

Response: To the contrary, the change merely corrects an obvious typographical error in the background information because any "%Calorie distribution" of nutrition values must, as is commonly known, add up to 100%, -- which the original 50%-15%-30% does not; and further, the corrected value (55%) is the standard value recommended by the FDA and the American Diabetic Association as stated in the original disclosure.


Emanuel S. Kemeny

Applicant

Date: ⁵⁻⁶⁻⁰²
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To: USPTO
Assistant Commissioner for Patents
Group Director/Art Unit 1761
Examiner Steven L Weinstein

In re Application of
EMANUEL S. KEMENY
Serial No. 09/909,014
MEAL-EQUIVALENT FOOD BAR
Filed 7/20/2001

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PLEASE NOTE:
THIS CASE HAS BEEN APPROVED FOR EXPEDITED EXAMINATION
UNDER AN APPROVED PETITION TO ADVANCE PROSECUTION ON AGE.

RESPONSE TO EXAMINER ACTION

RESTRICTION REQUIREMENT DATED 5/1/02

Applicant appreciates the Examiner's carefully-detailed
action, and the early response to the Petition on Age.

A. Under 35 USC 121

1. Responsive to the Examiner's Restriction Requirement for
Election of Claims to "one species of segment divider and
one species of frangible lengthwise divider," -- the species
are elected as follows: